

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER DUNLOP, et al.

Plaintiff,

-versus-

THE CITY OF NEW YORK, a municipal entity,
MICHAEL BLOOMBERG, Mayor of the City
of New York, RAYMOND KELLY, Police Commissioner
of the City of New York, JOSEPH ESPOSITO, Chief
of the Department, New York City Police Department,
THOMAS GRAHAM, Commanding Officer of the Disorder
Control Unit of the New York City Police Department,
JOHN J. COLGAN, Deputy Chief and Commanding
Officer, Pier 57, New York City Police Department,
THE NEW YORK COUNTY DISTRICT ATTORNEY'S
OFFICE, NEW YORK DISTRICT ATTORNEY ROBERT
MORGENTHAU, POLICE OFFICER MAYA GOMEZ,
shield number 27230, POLICE OFFICER JOHN DOES 1-3,
and the HUDSON RIVER PARK TRUST, in their individual
and official capacities, jointly and severally,

Defendants.

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NOTICE AND STATEMENT OF RELATEDNESS

PLEASE TAKE NOTICE that defendant The City of New York ("Defendant") hereby submits this statement of case relatedness:

1. This action was filed initially in the Supreme Court of the State of New York, County of New York. Defendants have removed this action from the State Court to this Court, as set forth in Defendant's Notice of Removal, filed simultaneously herewith.

2. This action is related to the action captioned MacNamara, et al. v. The City of New York, et al., 04 CV 9216 (KMK)(JCF), and to the series of related actions arising out of arrests and detentions around the time of the Republican National Convention, which have been consolidated by Judge Kenneth M. Karas under the caption Schiller, et al. v. The City of

New York, et al., 04 CV 7922 (KMK)(JCF). A copy of Judge Karas' orders consolidating these cases and referring them to Magistrate James C. Francis IV for pre-trial purposes are attached to Defendant's Notice of Removal as Exhibit "B."

3. This action is related to MacNamara and others of the consolidated cases because, among other things, the causes of action pled in the complaint arose on or about August 27, 2004, during the Republican National Convention ("RNC"); the action arises from arrests that were made at or near Second Avenue and Tenth Street in Manhattan of numerous bicyclists who were participating in or in proximity to the August 27, 2004 Critical Mass bicycle protest; and the complaint expressly pleads causes of action against the Defendants that allege policies and practices of the City and the NYPD that allegedly were implemented for various nefarious purposes in connection with the RNC. See Amended Verified Complaint ¶¶ 22, 30, 35-36.

4. Accordingly, this action is directly related to the actions arising from the arrests of other plaintiffs in the MacNamara and related RNC actions who were themselves arrested at approximately the same date, time and location as plaintiff Dunlop. In these actions, the legal issues appear to be substantially similar, discovery issues will be substantially similar, evidence will be substantially similar, witnesses will be substantially similar, and both sides in this dispute will benefit from the consolidated discovery and other consolidated pre-trial treatment of these actions.

WHEREFORE, Defendant The City of New York requests that this action be assigned to Judge Karas and referred to Magistrate Judge Francis as related to the foregoing actions, which will accrue to the benefit of all parties and to the Court in terms of time, convenience and expense.

DATED: New York, New York
January 19, 2006

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